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In re application of  
Balthes, Garry E.  
Serial No.: 10/630, 875  
Filed: July 30, 2003  
For: Laminated Composition For A Headliner And  
Other Applications

DECISION ON  
PETITION

This is a response to the REQUEST UNDER 37 C.F.R. 1.181 TO HAVE THE EXAMINER OF RECORD ENTER AND CONSIDER THE AFFIDAVITS FILED May 10, 2006 and August 31, 2006. The request asks that the denial of entry of the first affidavit, as set forth in the Advisory Action mailed May 24, 2006, be overturned and that the Affidavit filed concurrently with the Petition also be made of record and considered.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181. A review of the petitioner's evidence and of the prosecution history indicates that the request has merit. The evidence presented is sufficient to establish that the applicant or any authorized representative of the applicant could not have earlier filed the Affidavits as the reference which the Affidavit is proffered to overcome was first cited in the final rejection mailed January 30, 2006 and the second Affidavit is directed to an interpretation issue as to the definition of an automotive headliner first set forth in the Advisory Action mailed May 24, 2006. did not receive the Office letter mailed April 8, 2004.

Therefore, the application is being returned to the examiner of record for prompt consideration of both Affidavits supplied by applicant.

The Petition is GRANTED.

Jacqueline Stone, Director  
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CUSTOMER NUMBER 23641